

The Honorable John H. Chun

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DWIGHT CHRISTIANSON HENLINE,

Defendant.

No. CR22-69 JHC

AGREED MOTION FOR TEMPORARY
RELEASE FOR PURPOSES OF PLEA
AND SENTENCING IN KING COUNTY
SUPERIOR COURT

Noted: December 19, 2023

The United States of America, by and through Acting United States Attorney Tessa M. Gorman and Assistant U.S. Attorneys Erin H. Becker and Cecelia Gregson, and Dwight Henline, by and through his attorneys David Hammerstad and Joshua Saunders, move this Court for a temporary release order for the purposes of a plea and sentencing in King County Superior Court.

I. BACKGROUND

On November 16, 2023, after an eleven-day trial, this Court declared a mistrial in this matter when the jury was unable to reach a verdict. The government decided to proceed with a retrial, and this Court set a date for the retrial of January 22, 2024.

While the parties are prepared to retry the case, they also sought a means of resolving the matter. The parties have reached a negotiated resolution in which the defendant would enter a plea of guilty in state court to *Arson in the Second Degree*,

1 arising out of the same facts as the *Arson* currently charged in this matter. In addition, the
 2 defendant will plead guilty in state court to an unrelated firearm charge that is currently
 3 pending in San Juan County Superior Court. The parties have agreed to proceed
 4 immediately to sentencing after entry of the plea, and to dismissal of the charge in this
 5 case once the plea and sentencing is completed. In order to accommodate that, the San
 6 Juan County Prosecuting Attorney's Office has filed a charge of *Arson in the Second*
 7 *Degree*, the San Juan County Prosecuting Attorney's Office and the defendant have both
 8 waived venue in San Juan County, the King County Prosecuting Attorney's Office has
 9 agreed to accept transfer of venue, the San Juan Superior Court has ordered a change of
 10 venue to King County, and the King County Prosecuting Attorney's Office has filed all
 11 needed paperwork in King County Superior Court. The plea and sentence are scheduled
 12 for December 20, 2023, at 1:00 p.m. in King County Superior Court.

13 In order for this plea and sentence to occur as scheduled, the defendant must
 14 appear in King County Superior Court. He will also have to be administratively booked at
 15 the King County Jail. ATF has agreed to transport the defendant to King County Superior
 16 Court and the King County Jail from the FDC for these purposes, and to return him to the
 17 FDC at the conclusion of the proceedings. The U.S. Marshal Service has requested that
 18 the parties obtain an order of temporary release so that they can transfer custody to ATF
 19 for these purposes.

20 II. MOTION

21 In order to accomplish the transport of the defendant to King County Superior
 22 Court for plea and sentencing, and to the King County Jail for administrative booking, the
 23 parties move this Court to order the defendant's temporary release to the custody of ATF
 24 on December 20, 2023. The defendant will remain in the custody of ATF and its
 25 designees (including King County law enforcement and custodial personnel for the
 26 purpose of booking and safe transport into and through the King County courthouse)
 27 throughout his release. ATF will pick up the defendant on December 20, 2023, from the
 FDC, then will transport him from the FDC to King County Superior Court, to the King

1 County Jail, and to anywhere else needed for these limited purposes, and then will return
2 the defendant to the FDC on the same day.

3 The undersigned has conferred with counsel for the defendant, who agree to this
4 motion and entry of the attached proposed order.

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6 DATED this 19th day of December, 2023.

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8 Respectfully submitted,

9 TESSA M. GORMAN
10 Acting United States Attorney

11
12 /s/ Erin H. Becker
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